

To: House Judiciary
From: Donna Goff
Sidney, Montana
Date: February 7, 2007
Re: HB60, Civil Access to Justice Act

Good morning Chairperson Rice and Committee members. I live in Sidney and regret that I could not be in Helena today to voice my support for HB60. Please accept my written testimony instead.

In October of 2000 I was divorced, I had no legal representation and I was unaware of my legal rights. My ex-husband had told me that he and his attorney would be asking the judge for shared custody of my two children, and that I didn't need an attorney because his attorney would help both of us. I was naïve enough to believe him. I couldn't afford an attorney anyway because my husband worked, and I had always stayed home with our kids.

On the day of court my ex dropped my boys off with me to watch while he was at work and mentioned that court was that day but he didn't know what time it was. Later that morning the Clerk of Court called and told me that court would begin in a couple of minutes. I did not go because I had no alternative daycare for my children and I was still under the impression that my ex-husband and his attorney would be asking for shared custody. I didn't find out until about a month later that they did not ask for shared custody. Instead he asked for primary custody for himself with very little visitation for me.

I had always been our boys' primary caretaker. I was a good mother, I didn't drink, didn't do drugs, and didn't have any criminal record. I feel like if I had an attorney or even some legal advice, I would have been given primary custody of my children.

After our divorce, my ex-husband still allowed me to care for the children for the next two years until he met his current wife. After that he took away all the extra visiting time that he had given me and started following the parenting plan. Even though he knew that our boys wanted to see me more he would not compromise with me. During the first two years of our divorce I didn't feel I needed to change the parenting plan because I was still seeing my boys' everyday while he worked because it was convenient for him. Besides this I didn't know if I could change the parenting plan. At the time of our divorce I was ineligible for legal assistance from Montana Legal Services. So when my ex-husband started taking the time away that he had given me I felt like I had to live with it because I could not afford an attorney and didn't think I could get help from Legal Services.

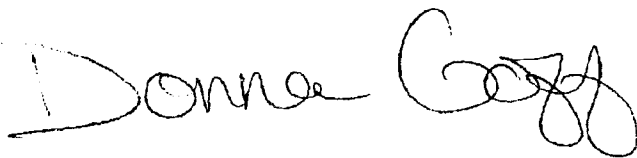
Through a domestic violence coalition I found out that I could get help to go to court on my own. I didn't know if I could do it on my own so I talked to an attorney that told me on the phone he would try to work with me to pay the fees. When I went to his office and showed him what I had he told me basically that I had no hope of changing the parenting plan.

I didn't agree with him and decided that I would have to go to court on my own. In June of 2004 with the help of the Eastern Montana Self-Help Law Project I filed a Motion to amend the parenting plan. After a Judge finally took the case he set a date for a hearing. On November, 16th I went to court to represent myself against my ex-husband and his attorney. I was very scared but also very prepared. Attorney Tara Veazey the Eastern Montana Self-Help Law Project Director made sure that I knew what I needed to know and also kept my confidence up. I felt that I was more prepared then my ex-husband and his attorney.

After about a week the judge made his decision I had got the parenting plan amended. It wasn't exactly how I wanted it but I am getting to see my boys a great deal more then I used to which makes me and them very happy.

After my experience, I volunteered for the Self-Help Law Project in Sidney for 2 years as an AmericorpsVISTA. Working for the Self-Help Law Project, I learned a lot about the law. I have also learned a lot about the legal process and that there are ways to do things if you cannot afford an attorney. I have also learned that there are a lot more resources available to the average person then I knew about before. After my experience I have enjoyed helping people avoid making the same mistakes that I did. I am now working as a domestic violence advocate and assisting with the legal department through the domestic violence programs that I work for.

Donna Goff

A handwritten signature in black ink that reads "Donna Goff". The signature is written in a cursive style with a large, stylized "D" and "G".